



Laura T Beyer

Laura T. Beyer
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION

IN RE:

KEVIN J. ANNAS
APRIL H. ANNAS
Debtor (s)

CASE NUMBER: 14-50381
CHAPTER 7

ORDER ON MOTION TO AVOID JUDICIAL LIEN

THIS MATTER CAME ON upon the Motion and subsequent Amended Motion by KEVIN J. ANNAS and APRIL H. ANNAS, Debtors, to avoid judicial lien.

NO OBJECTION OR OTHER RESPONSIVE PLEADINGS HAVING BEEN FILED, AND THE TIME FOR FILING HAS PASSED, IT WAS FOUND AS FOLLOWS:

1. On May 22, 2014, Debtor herein filed a Chapter 7 Petition.
2. Barrett Crawford was appointed the Chapter 7 Trustee.
3. This Motion was brought pursuant to 11 USC §522(f) and Federal Rule of Bankruptcy Procedure 4003(d) to avoid judicial liens in real property claimed as exempt by Debtor.
4. Daniel Chernesky and Deborah Chernesky obtained a general judgment against the Debtors in the General Court of Justice, Superior Court Division, Caldwell County, North Carolina, in the amount of \$146,775.39 on June 19, 2013, in case number 13 CvS 402.

5. Debtor possesses no equity in any property except such property the Debtor claims as exempt, and Daniel Chernesky and Deborah Chernesky allowed secured claim is limited to the value of Debtors' exempt property.
6. The Debtor has exempted the remaining equity in the property pursuant to G.S. section 1C-1601(a)(1).
7. The Debtor owned real property (residence) at the time of filing which was located at 22 Greenway Drive, Granite Falls, NC 28630. The real property has a total value of \$320,300.00. There is first deed of trust to Seterus in the amount of \$267,938.00 and a second deed of trust to Capital Bank in the amount of \$69,983.00.
8. There is no non exempt equity in this real property and the judgment impairs any exemption.
9. The aforesaid judgment constitutes a lien on real property claimed as exempt by Debtors, and impairs Debtors' exemptions, unless avoid pursuant to §522(f) of the Bankruptcy Code.

NOW, THEREFORE, IT IS ORDERED that the Debtors have judgment against Daniel Chernesky and Deborah Chernesky for the cancellation and avoidance of the judicial lien on the property claimed as exempt by Debtors

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This Order has been signed
Electronically. The Judge's
Signature and Court's seal
Appear at the top of the Order.

United States Bankruptcy Court